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HARWORTH WALLAGE LTD

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

COMPANIES COURT

Before Registrar Jones

This 17 day of December 2015



R-2015-8661
NO OF 2015

IN THE MATTER OF MONTPELLIER HOLDINGS LIMITED (IN MEMBERS' VOLUNTARY LIQUIDATION) & OTHERS

AND IN THE MATTER OF AN OFFICE-HOLDER

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

BETWEEN

(1) EDWARD TERENCE KERR
(2) FRANCIS GRAHAM NEWTON

Applicants

- and -

PAUL JAMES BATES

Respondent



QIQ 10/02/2016 #98
COMPANIES HOUSE

WEDNESDAY

ORDER

UPON the application of Edward Terence Kerr and Francis Graham Newton ("the Application")

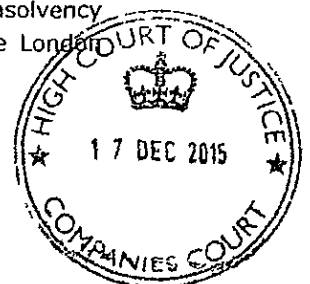
AND UPON reading the Witness Statements of Edward Terence Kerr and Paul James Bates

IT IS ORDERED THAT:

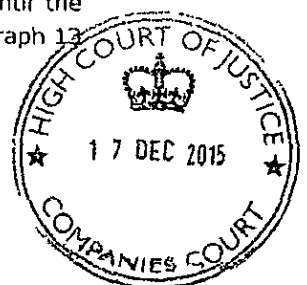
- 1 The insolvency proceedings listed in the Schedules attached hereto which are not currently before the High Court be transferred to the High Court for the purposes of this Application only, and the Applicants to ensure that a sealed copy of an Order made in the terms of this Application be lodged with the Court having jurisdiction over each case affected by such Order



- 2 The Respondent, Paul James Bates, be removed from his office as Liquidator in respect of the company in Members' Voluntary Liquidation, which is set out in the attached Schedule A
- 3 The Second Applicant, Francis Graham Newton, shall be appointed as Liquidator in substitution of the Respondent in respect of the company in Members' Voluntary Liquidation which is set out in the attached Schedule A
4. That the Respondent, Paul James Bates, be removed from his office as Liquidator in respect of the companies in Creditors' Voluntary Liquidation which are set out in the attached Schedule B
- 5 The First Applicant, Edward Terence Kerr, shall be appointed as Liquidator in substitution of the Respondent in respect of the companies in Creditors' Voluntary Liquidation which are set out in the attached Schedule B in which he is identified as proposed nominee
- 6 The Second Applicant, Francis Graham Newton, shall be appointed as Liquidator in substitution of the Respondent in respect of the companies in Creditors' Voluntary Liquidation which are set out in the attached Schedule B in which he is identified as proposed nominee
- 7 That the Respondent, Paul James Bates, be removed from his office as Liquidator in respect of the entity in Compulsory Liquidation, which is set out in the attached Schedule C
- 8 The First Applicant, Edward Terence Kerr, shall be appointed as Liquidator in substitution of the Respondent in respect of the entity which is set out in the attached Schedule C
- 9 That the Respondent, Paul James Bates, be removed from his office as Liquidator in respect of the partnership in Compulsory Liquidation which is set out in the attached Schedule D
- 10 The First Applicant, Edward Terence Kerr, shall be appointed as Liquidator in substitution of the Respondent in respect of the partnership which is set out in the attached Schedule D
- 11 That the Respondent, Paul James Bates, be removed from his office as Administrator in respect of the companies in Administration which are set out in the attached Schedule E
- 12 That the First Applicant, Edward Terence Kerr, shall be appointed as Administrator in substitution of the Respondent in respect of the companies which are set out in the attached Schedule E
- 13 The Applicants shall procure that, at the first convenient opportunity to do so, and in any event within one (1) month of the date of an Order being made in the terms of this Application, a block advertisement in respect of each of the Insolvency appointments listed in Schedules A, B, C, D and E shall be placed in the London Gazette containing notification of the following matters

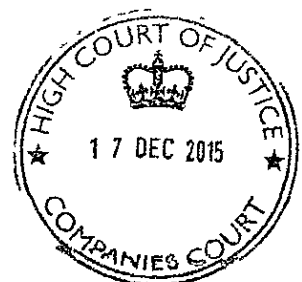


- 13 1 the removal of the Respondent and the substitution of the Respondent by the First or Second Applicant, as the case may be,
- 13 2 that creditors, members (In the case of Members' Voluntary Liquidations) and debtors (where they have a financial interest in the outcome of the insolvency proceedings) have liberty to apply, within 28 days after the notice has been advertised, to vary or discharge the Order made,
- 13 3 that creditors, members (In the case of Members' Voluntary Liquidations) and debtors (where they have a financial interest in the outcome of the insolvency proceedings) have the right to object and make representations to the Respondent in respect of his release within 28 days after the notice has been advertised; and
- 13 4 in the case of the Liquidations listed in Schedules A, B, C and D , the Respondent will be entitled to apply to the Secretary of State for his release upon the expiry of 42 days from the date the notice has been advertised
- 14 In relation to the insolvency proceedings listed in the attached Schedules, and insofar as the Insolvency Act 1986 or the Insolvency Rules 1986 contain any requirement for advertisement of the removal of the Respondent or his substitution by the Applicants, the requirement shall be dispensed with save to the extent provided for herein. Insofar as the Respondent is required by law to give any notice of the removal from office, the Applicants (and each of them) are entitled to sign and send any such notice on his behalf
- 15 The period to be covered by progress reports to members and/or creditors and the dates by which those reports need to be sent to members and/or creditors and filed with the Registrar of Companies (if applicable) shall not be altered by virtue of the making of this Order or the replacement of the Respondent by the First or Second Applicant, as the case may be, pursuant to this Order, and this provision shall override any requirement in the Insolvency Rules 1986 that would otherwise require a report to be made to members and/or creditors or would otherwise alter the period to be covered by progress reports or the dates by which those reports need to be sent to members and/or creditors and the Registrar of Companies, on the termination, commencement of replacement of an office-holder's appointment, including those set out in rules 2 47(3A), 4 49B(5) and 4 49C-CVL(3) of the Insolvency Rules 1986
- 16 In the case of the Administration listed in the attached Schedule E, the Respondent be released from all liability both in respect of any of his acts and omissions in relation to his conduct as office holder of the estate with effect from 28 days from the date when the relevant notice referred to in paragraph 13 above has been placed in the London Gazette, save in respect of any claim notified to the Respondent pursuant to the Insolvency Act 1986 and/pursuant to such other provision as may apply by that date
17. In each Liquidation listed in the attached Schedules A, B, C and D , the Respondent shall not be at liberty to apply to the Secretary of State for his release until the expiry of 42 days from the date when the relevant notice referred to in paragraph 13



above has been placed in the London Gazette or 28 days after filing of the liquidator's final report, whichever is the later

- 18 The costs of and occasioned by this application shall be paid for by BDO LLP
- 19 There be liberty to apply.



Schedule A – Members' Voluntary Liquidations

Name	Current Office Holder (1)	Current Office Holder (2)	Proposed Appointee	Type	Appointed on
Montpellier Holdings Limited	Paul James Bates		Francis Graham Newton	MVL	17/06/2013

Schedule B – Creditors' Voluntary Liquidations

Name	Current Office Holder (1)	Current Office Holder (2)	Proposed Appointee	Type	Appointed on
Centechonology (UK) Ltd	Francis Graham Newton	Paul James Bates	Edward Terence Kerr	CVL	29/07/2013
Centerpac Limited	Francis Graham Newton	Paul James Bates	Edward Terence Kerr	CVL	21/12/2012
Coal Supplies (UK) Limited	Francis Graham Newton	Paul James Bates	Edward Terence Kerr	CVL	29/07/2013
Contractors Facilities Limited	Francis Graham Newton	Paul James Bates	Edward Terence Kerr	CVL	29/07/2013
Excel Shopfitting Services Limited	Paul James Bates	Edward Terence Kerr	Francis Graham Newton	CVL	07/06/2012
Harworth Haulage Ltd	Francis Graham Newton	Paul James Bates	Edward Terence Kerr	CVL	29/07/2013
Harworth Park Services Ltd	Francis Graham Newton	Paul James Bates	Edward Terence Kerr	CVL	29/07/2013
Harworth Power Limited	Francis Graham Newton	Paul James Bates	Edward Terence Kerr	CVL	29/07/2013
Hewlett Civil Engineering Limited	Paul James Bates	Francis Graham Newton	Edward Terence Kerr	CVL	30/07/2014
Involve Marketing Agency Limited	Francis Graham Newton	Paul James Bates	Edward Terence Kerr	CVL	03/05/2012
Juniper (No 3) Limited	Francis Graham Newton	Paul James Bates	Edward Terence Kerr	CVL	22/10/2013
Juniper (No 7) Limited	Francis Graham Newton	Paul James Bates	Edward Terence Kerr	CVL	22/10/2013
Parklands Colliery Company Limited	Francis Graham Newton	Paul James Bates	Edward Terence Kerr	CVL	29/07/2013
RJB Mining (UK) Ltd	Francis Graham Newton	Paul James Bates	Edward Terence Kerr	CVL	29/07/2013
The Involve Marketing Partnership Limited	Francis Graham Newton	Paul James Bates	Edward Terence Kerr	CVL	19/06/2012
Whitewater Creative Services Ltd	Francis Graham Newton	Paul James Bates	Edward Terence Kerr	CVL	03/05/2012

Schedule C -- Compulsory Liquidation (Industrial and Provident Society)

Name	Current Office Holder (1)	Current Office Holder (2)	Proposed Appointee	Type	Appointed on	Court	Court No
Ecclesfield Working Men's Club and Institute Limited (an Industrial and Provident Society with Company Registration number IP07007R)	Paul James Bates	Francis Graham Newton	Edward Terence Kerr	WUC	17/01/2013	County Court at Sheffield	432 of 2012

Schedule D – Compulsory Liquidation (Partnership)

Name	Current Office Holder (1)	Current Office Holder (2)	Proposed Appointee	Type	Appointed on	Court	Court No
The First Oakapple Primary Care Partnership	Frands Graham Newton	Paul James Bates	Edward Terence Kerr	WUC	26/11/2012	High Court Chancery Division Leeds District Registry	1073 of 2012

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Schedule E - Administrations

Name	Current Office Holder (1)	Current Office Holder	Proposed Appointee	Type	Appointed on	Court	Court No
B E S Consulting Holdings Limited	Frands Graham Newton	Paul James Bates	Edward Terence Kerr	ADM	02/07/2009	High Court Chancery Division Leeds District Registry	1796 of 2009
Dukedom Limited	Frands Graham Newton	Paul James Bates	Edward Terence Kerr	ADM	12/10/2011	High Court Chancery Division Leeds District Registry	1507 of 2011
Loxton Lighting Limited	Francis Graham Newton	Paul James Bates	Edward Terence Kerr	ADM	26/03/2010	High Court Chancery Division Manchester District Registry	841 of 2010